

AMENDED IN ASSEMBLY MAY 12, 2016

AMENDED IN ASSEMBLY APRIL 25, 2016

AMENDED IN ASSEMBLY APRIL 12, 2016

AMENDED IN ASSEMBLY MARCH 16, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2148

Introduced by Assembly Member Holden

February 17, 2016

An act to add Section 714.5 to the Fish and Game Code, and to add Article 4 (commencing with Section 5085) to Chapter 1.2 of Division 5 of the Public Resources Code, relating to unmanned aircraft systems.

LEGISLATIVE COUNSEL'S DIGEST

AB 2148, as amended, Holden. Unmanned aircraft systems: regulation.

Existing federal law, the Federal Aviation Administration Modernization and Reform Act of 2012, provides for the integration of civil and public unmanned aircraft systems, commonly known as drones, into the national airspace system. Existing law establishes both the Department of Fish and Wildlife and the Department of Parks and Recreation in the Natural Resources Agency. A violation of any rule or regulation made or adopted by the Department of Fish and Wildlife pursuant to the Fish and Game Code is a misdemeanor. A violation of the rules and regulations established by the Department of Parks and Recreation to protect the state park system is punishable as either a misdemeanor or an infraction.

This bill would require, on or before January 1, 2018, the Department of Fish and Wildlife and the Department of Parks and Recreation to develop regulations ~~for governing the use~~ *launching, landing, or ground-based operation* of unmanned aircraft systems, commonly known as drones, ~~over from or on~~ the public lands *and waters* managed by each department. In developing the regulations, the bill would require these state departments to ~~consider~~, *address*, among other things, protecting wildlife from unnecessary harassment or disturbance and protecting the natural, cultural, and historic values of state lands. Because violations of these regulations could be crimes, the bill would impose a state-mandated local program.

The bill would provide that its provisions are severable and do not apply to the operation of an unmanned aircraft system by any person who the Federal Aviation Administration authorizes to operate a remote piloted aircraft for a commercial purpose and who operates it in a manner that complies with that authorization.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 714.5 is added to the Fish and Game
- 2 Code, to read:
- 3 714.5. (a) On or before January 1, 2018, the Department of
- 4 Fish and Wildlife shall develop regulations ~~for governing the use~~
- 5 *launching, landing, or ground-based operation* of unmanned
- 6 aircraft systems, commonly known as drones, ~~over from or on~~ the
- 7 public lands *and waters* managed by the department.
- 8 (b) In developing regulations pursuant to subdivision (a), the
- 9 department shall ~~consider~~ *address* all of the following:
- 10 (1) Protecting wildlife from unnecessary harassment or
- 11 disturbance.
- 12 (2) Protecting sensitive species, including those listed as
- 13 threatened or endangered, or that have other protected status.

1 (3) Protecting wildlife at times of the year where incidents may
2 have disproportionate effects, including, but not limited to, during
3 nesting, breeding, gestation, and migration seasons.

4 (4) Protecting the natural, cultural, and historic values of state
5 lands.

6 (5) Permitting the appropriate use of unmanned aircraft systems
7 for conservation and scientific research purposes.

8 (6) *Ensuring that unmanned aircraft systems are not operated*
9 *in a careless or reckless manner, including ensuring that operators*
10 *adhere to visual line-of-sight practices.*

11 (c) In developing the regulations, the department shall allow de
12 minimis access by adjacent landowners for agricultural purposes.

13 (d) *This section does not apply to the operation of an unmanned*
14 *aircraft system by any person who the Federal Aviation*
15 *Administration authorizes to operate a remote piloted aircraft for*
16 *a commercial purpose and who operates it in a manner that*
17 *complies with that authorization.*

18 (e) *The provisions of this section are severable. If any provision*
19 *of this section or its application is held invalid, that invalidity shall*
20 *not affect other provisions or applications that can be given effect*
21 *without the invalid provision or application.*

22 SEC. 2. Article 4 (commencing with Section 5085) is added
23 to Chapter 1.2 of Division 5 of the Public Resources Code, to read:
24

25 Article 4. Unmanned Aircraft Systems
26

27 5085. (a) On or before January 1, 2018, the Department of
28 Parks and Recreation shall develop regulations ~~for governing the~~
29 ~~use launching, landing, or ground-based operation~~ of unmanned
30 aircraft systems, commonly known as drones, ~~over from or on the~~
31 public lands *and waters* managed by the department.

32 (b) In developing regulations pursuant to subdivision (a), the
33 department shall ~~consider~~ *address* all of the following:

34 (1) Protecting wildlife from unnecessary harassment or
35 disturbance.

36 (2) Protecting sensitive species, including those listed as
37 threatened or endangered, or that have other protected status.

38 (3) Protecting wildlife at times of the year where incidents may
39 have disproportionate effects, including, but not limited to, during
40 nesting, breeding, gestation, and migration seasons.

1 (4) Protecting the natural, cultural, and historic values of state
2 lands.

3 (5) Permitting the appropriate use of unmanned aircraft systems
4 for conservation and scientific research purposes.

5 (6) *Ensuring that unmanned aircraft systems are not operated*
6 *in a careless or reckless manner, including ensuring that operators*
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8 (c) In developing the regulations, the department shall allow de
9 minimis access by adjacent landowners for agricultural purposes.

10 (d) *This section does not apply to the operation of an unmanned*
11 *aircraft system by any person who the Federal Aviation*
12 *Administration authorizes to operate a remote piloted aircraft for*
13 *a commercial purpose and who operates it in a manner that*
14 *complies with that authorization.*

15 (e) *The provisions of this section are severable. If any provision*
16 *of this section or its application is held invalid, that invalidity shall*
17 *not affect other provisions or applications that can be given effect*
18 *without the invalid provision or application.*

19 SEC. 3. No reimbursement is required by this act pursuant to
20 Section 6 of Article XIII B of the California Constitution because
21 the only costs that may be incurred by a local agency or school
22 district will be incurred because this act creates a new crime or
23 infraction, eliminates a crime or infraction, or changes the penalty
24 for a crime or infraction, within the meaning of Section 17556 of
25 the Government Code, or changes the definition of a crime within
26 the meaning of Section 6 of Article XIII B of the California
27 Constitution.